

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today  
(1) was not written for publication in a law journal and  
(2) is not binding precedent of the Board.

Paper No. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte BRENT R. DOHNER

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Appeal No. 95-2303  
Application 07/896,073<sup>1</sup>

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ON BRIEF

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Before JOHN D. SMITH, GARRIS, and PAK, Administrative Patent  
Judges.

GARRIS, Administrative Patent Judge.

DECISION ON APPEAL

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<sup>1</sup> Application for patent filed June 2, 1992.

Appeal No. 95-2303  
Application 07/896,073

This is a decision on an appeal from the final rejection of claims 1 through 6, 29 through 37, 39, and 40, which are all of the claims remaining in the application.

The subject matter on appeal relates to a composition comprising an oil of lubricating viscosity which contains a friction-reducing amount of an additive comprising a triglyceride or diglyceride of a specified formula and at least one metal overbased composition derived from a hydrocarbyl substituted succinic acid or anhydride of a specified formula. Further details of this appealed subject matter are readily apparent from a review of illustrative independent claims 1 and 36. A copy of these claims taken from the appellant's Brief is appended to this decision.

The references relied upon by the examiner as evidence of obviousness are:

Sabol	3,567,637	Mar. 2, 1971
Davis	4,663,063	May 5, 1987
Kennedy et al. (Kennedy) 1992	5,144,603	May 19,
Dasai (published Eur. Pat. Application)	286,996	Oct. 19, 1988

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Claims 1 through 6, 29 through 35, 39, and 40 stand rejected under 35 U.S.C. § 103 as being unpatentable over Davis in view of Dasai.

Claims 36 and 37 stand rejected under 35 U.S.C. § 103 as being unpatentable over Kennedy in view of Sabol.

As properly indicated by the examiner on page 2 of the Answer, the appealed claims will stand or fall as grouped in the above noted rejections. Accordingly, we will restrict our attention to independent claims 1 and 36 which are the only independent claims on appeal.

#### Opinion

For the reasons well stated by the examiner in his final office action and Answer, it would have been obvious for one with ordinary skill in the art to combine the applied references in the manner proposed, thereby resulting in compositions corresponding to those defined by the appellant's independent claims. The appellant's arguments to the contrary are unpersuasive because, generally speaking, they are based upon a misperception by the appellant of the scope and content

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of the appealed claims and the applied prior art. We refer to pages 3 through 6 of the Answer for a more specific explanation of why the appellant's arguments are not convincing.

We see no useful purpose in further burdening the record of this application by reiterating the findings of fact, conclusions of law, and responses to argument expressed by the examiner in the final office action and Answer. Accordingly, we hereby adopt these findings, conclusions, and responses as our own, and concomitantly we hereby sustain the examiner's § 103 rejection of claims 1 through 6, 29 through 35, 39, and 40 as being unpatentable over Davis in view of Dasai and his rejection of claims 36 and 37 as being unpatentable over Kennedy in view of Sabol.

The decision of the examiner is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

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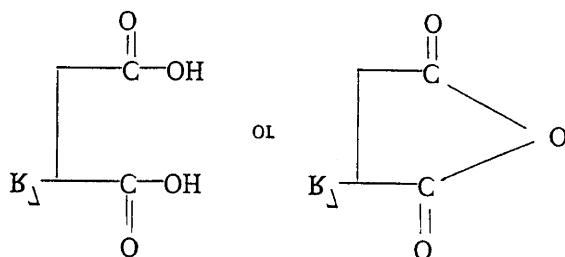
	JOHN D. SMITH	)	
	Administrative Patent Judge	)	
		)	
		)	
		)	BOARD OF PATENT
	BRADLEY R. GARRIS	)	APPEALS
AND			
	Administrative Patent Judge	)	INTERFERENCES
		)	
		)	
		)	
	CHUNG K. PAK	)	
	Administrative Patent Judge	)	

The Lubrizol Corporation  
Patent Dept. - Docket Clerk  
29400 Lakeland Blvd.  
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APPENDIX

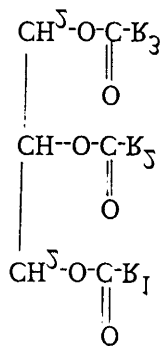
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wherein  $R_1$  is a polyoesterly group derived from a polyalkene having a MW of at least



substituted succinic acid or anhydride of the formulae

(B) at least one metal overbased composition derived from a polyoesterly groups containing from about 8 to about 54 carbon atoms and wherein  $R_1$ ,  $R_2$  and  $R_3$  are independently saturated or unsaturated aliphatic polyoesterly



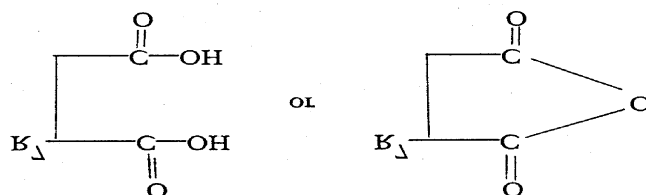
triglyceride of the formula

(A) at least one natural oil comprising an animal oil or vegetable oil comprising a reducing amount of an additive comprising:

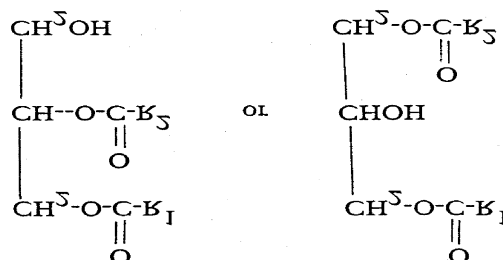
1. A composition comprising an oil of lubricating viscosity and containing a friction-

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wherein  $K_1$  is a glycosidyl group derived from a polyalkene having an MW of at least



(B) at least one metal overlapped composition comprising a metal overlapped groups containing from about 8 to about 24 carbon atoms and wherein  $K_1$  and  $K_2$  are independently saturated or unsaturated aliphatic glycosidyl



(A) at least one diglyceride of the formulae  
reducing amount of an additive comprising:

30. A composition comprising an oil of lubricating viscosity and containing a friction-

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